

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

MITCHELL SCOTT AQUINO,)	CIVIL NO. 10-00226 SOM-LEK
)	
Plaintiff,)	
)	
vs.)	
)	
MMK MAUI L.P.,)	
)	
Defendant.)	
_____)	

ORDER DENYING PLAINTIFF'S AMENDED REQUEST FOR APPOINTMENT OF COUNSEL UNDER THE CIVIL RIGHTS ACT OF 1964, FILED MAY 20, 2010

On April 20, 2010, Plaintiff Mitchell Scott Aquino ("Plaintiff") filed his Employment Discrimination Complaint ("Complaint") and his Request for Appointment of Counsel Under the Civil Rights Act of 1964 ("Request"). On April 28, 2010, this Court issued an order directing Plaintiff to amend the Request because the Request did not provide an amount for Plaintiff's cash on hand or money in savings or checking accounts ("Order to Amend"). This Court gave Plaintiff until May 27, 2010 to amend the Request. On April 29, 2010, Plaintiff filed an Application to Proceed Without Prepayment of Fees ("IFP Application"). On April 30, 2010, this Court withdrew the Order to Amend because Plaintiff's IFP Application contained the information that was missing from the Request. This Court issued an order denying the Request on April 30, 2010.

On May 20, 2010, Plaintiff filed an amended Request for Appointment of Counsel Under the Civil Rights Act of 1964

("Amended Request").¹ Insofar as this Court withdrew the Order to Amend and denied the Request, it was not necessary for Plaintiff to file the Amended Request. Further, if Plaintiff intended to seek reconsideration of this Court's order denying the Request, the Court finds that there is no basis for reconsideration of the order. Courts recognize three grounds for granting reconsideration of an order: "(1) an intervening change in controlling law; (2) the availability of new evidence; and (3) the need to correct clear error or prevent manifest injustice." White v. Sabatino, 424 F. Supp. 2d 1271, 1274 (D. Hawai'i 2006) (citations omitted); see also Local Rule LR60.1. Plaintiff has not established any of these grounds.

Plaintiff's Request for Appointment of Counsel Under the Civil Rights Act of 1964, filed May 20, 2010, is therefore DENIED.

IT IS SO ORDERED.

¹ Plaintiff submitted a copy of the Order to Amend with the Amended Request and the Amended Request is substantively identical to the Request, except that he now states that he has no cash on hand or money in checking or savings accounts. The Amended Request also includes additional supporting documents.

DATED AT HONOLULU, HAWAII, May 26, 2010.



/S/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States Magistrate Judge

**MITCHELL SCOTT AQUINO V. MMK MAUI L.P.; CIVIL NO 10-00226 SOM-
LEK; ORDER DENYING PLAINTIFF'S AMENDED REQUEST FOR APPOINTMENT OF
COUNSEL UNDER THE CIVIL RIGHTS ACT OF 1964, FILED MAY 20, 2010**